REGISTERED No. M. 7463.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. VII] Trivandrum, Thursday, 1st February 1962 / 12th Magha 1883 [No. 24

GOVERNMENT OF KERALA

Development Department (Municipal Rules)

NOTIFICATION

No. 105062/Ml. Rules II/62. *Dated, Trivandrum, 31st January 1962.*

The following draft of certain rules which the Government of Kerala propose to make in exercise of the powers conferred by sub-section (1) of Section 367, the proviso to Section 443 and Section 444 of the Calicut City Municipal Act, 1961 (Act 30 of 1961) is hereby published for general information as required by clause (a) of Section 368 of the said Act.

Notice is hereby given that the said draft will be taken into consideration on or after 1-3-1962 and that any objection or suggestion which may be received from any person in respect of the said draft before the date specified above will be considered by the Government. Objections and suggestions shall be addressed to the Additional Secretary to Government, Development Department, Secretariat, Trivandrum.

Draft Rules.

These rules may be called the Calicut Corporation Special Officer's (Powers and functions) Rules, 1962.

In these rules, 'Act' means the Calicut City Municipal Act, 1961 (Act 30 of 1961).

Till the date on which a Commissioner appointed under Section 7 of the Act takes charge, the Special Officer appointed by the Government under Section 444 of the Act shall exercise the powers and perform the functions as herein mentioned viz.,—

(a) the functions assigned to the Commissioner under Sections 47 and 67 of the Act.

(b) the powers and functions assigned to the Commissioner under the Calicut Corporation Councillors Election Rules.

(c) the functions assigned to the Commissioner under Rules to convene the first meeting of the Council.

(d) the powers of the Council for the purpose of Sections 44 and 368 (a) of the Act.

By order of the Governor,

S. Anantakrishnan,
Development Commissioner and Additional Secretary to Government.

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RULES ISSUED BY THE HIGH COURT UNDER THE KERALA COURT FEES AND SUITS VALUATION ACT, 1959

(Act 10 of 160)

The following rules regarding the fees payable for executing processes issued by the High Court and the subordinate civil and criminal courts have been made by the High Court and confirmed by the Government in exercise of the powers conferred by Section 83 of the Kerala Court Fees and Suits Valuation Act, 1959:—

TABLE OF PROCESS FEES—HIGH COURT AND SUBORDINATE CIVIL COURTS

Nature of Process	*In the Munsiff's Court*	*In the Subordinate Judge's Court and District Court.*	*In the High Court*
(1)	(2)	(3)	(4)
	Rs. nP.	Rs. nP.	Rs. nP.
I. For each summons or notice			
(a) When sent by registered post, for each defendant, respondent or witness	1 00	1 00	1 25
(b) When served by an officer of the Court			
(i) On a defendant, respondent or a witness;	1 00	1 25	1 50
(ii) On every additional defendant, respondent or witness residing in the same village, if the process be applied for at the same time	0 50	0 75	1 00
(c) When handed over to a party for service on a witness or witnesses	One-half of the fee under clause (a) supra		

Note: (i) "Defendant" herein includes a judgment-debtor or a counter-petitioner.

(ii) In cases in which there are several minor defendants or respondents represented by a single guardian there shall be a single service upon such guardian and only one fee shall be chargeable therefor.

(iii) When a process under clause (a) or (b) supra is to be sent to any country outside India by Air Mail, the amount of fee leviable shall be 50 naye paise plus the actual postal charges which shall be deposited by the party in the shape of postal stamps.

II. For every warrant of arrest, in respect of each person to be arrested	1 00	2 00	2 00
III (a) Warrant of proclamation, attachment or sale under Order XVI, Rules 10 and 12, C. P. C. for one party or witness	1 00	2 00	2 00

(b) Do. for every additional party or witness residing in the same village if the process be applied for at the same time		0	50	1	00	1	00
IV. Warrant of attachment of movable or immovable property:							
(a) If applied for before judgment: On the value of the claim for which the attachment is sought.	(i) If the amount or value does not exceed Rs. 500	1	00	2	00	2	00
(b) If applied for after judgment:-	(ii) Rs. If it exceeds 500 but does not exceed Rs.1,000	2	00	4	00	4	00
(i) On the whole of the decree amount or on the unsatisfied portion thereof where the whole decree is then capable of execution; or	(iii) If it exceeds Rs. 1,000 but does not exceed Rs. 2,000	3	00	6	00	6	00
	(iv) If it exceeds Rs. 2,000 but does not exceed Rs. 5,000	4	00	8	00	8	00
(ii) On the value of such part of the decree as is executable at the date of the application for attachment or of the unsatisfied portion thereof	(v) If it exceeds Rs. 5,000	5	00	10	00	10	00

Note: "amount" or "value" includes costs decreed and interest thereon

(1)	(2)	(3)	(4)
	Rs. nP.	Rs. nP.	Rs. nP.
. Warrant of delivery of possession of property, movable or immovable			
(a) If no attachment has taken place	The fee for the attachment of the said property		
(b) If attachment has taken place	1 00	2 00	2 00
VI. Warrant of sale of:			
(a) Movable property	1 00	2 00	2 00
(b) Immovable property	2 00	4 00	4 00
VII. In the case of every warrant of arrest, proclamation, attachment, sale or delivery of property, an additional fee for the services of every officer entrusted with the warrant for each day, after the third day beginning with the day on which the warrant was issued			
(a) If such officer is an Amin	0 50	0 75	0 75
or			
(b) If such officer is a process server	0 25	0 50	0 50
Such additional fees for each day after the third day shall ordinarily be collected in advance, the journey being calculated at the rate of 30 miles a day			
VIII. For injunction or order and every other process not otherwise provided for	1 00	2 00	2 00
An additional fee being leviable after the third day as provided in item VII above			
IX. Emergent processes	Ordinary fee plus half of that fee		

Note: (i) The process fees prescribed above shall be Payable in Court fee labels of the proper amount to be affixed to the application.

(ii) In the trial of Small Cause Suits and Proceedings in execution of decrees in such suits Passed by the courts of this State, only one half of the rates prescribed above in the table of process fees will be levied.

(iii) Separate fees should be levied for the issue of process mentioned below when the properties involved therein are situated in different villages:

(a) Proclamation of attachment

(b) Proclamation of sale

(c) Warrant of delivery of possession of the property, whether movable or immovable, if attachment has taken place

(d) Warrant of sale of movable property

(e) Warrant of sale of immovable property

When process fees have to be levied *ad valorem*, i. e.. on the amount of the decree or suit as in the case of a "Warrant of attachment" and "Warrant of delivery of possession", no additional fee should be levied even though the properties sought to be attached or delivered over at the same time be situate in different villages.

(iv) The fee to be levied on the application of a judgment-debtor to be left in the custody of an officer of the court under Or. XXI R 40 C. P. C. shall be at the same rate as that specified in item VII in the above table, and shall be levied inclusive of the day on which the debtor is produced before the court after arrest.

(v) If process for attachment and sale are issued simultaneously, the proper fee for the former alone is to be charged.

(vi) When a Sale is adjourned under Or. XXI r. 69 C. P. C. the warrant for such a sale should be treated as a new process and fresh process fee levied accordingly.

(vii) When attachment, sale or delivery of possession of property is to be proclaimed by tom-tom, a fee of 25 nP. should be levied in cash for payment to the tom-tom-beater.

(viii) Warrants and other processes to be executed by the court of Small Causes, Calcutta, shall have endorsed thereon a certificate to the effect that conveyance charges at the rate of Rs. 1.50 for each warrant and 25 naye paise for each summons have been duly collected. Otherwise such warrants and processes will be returned unexecuted by the court.

A Copy of the above table of process fees shall be displayed in each court in English and in the local language or languages.

TABLE OF PROCESS FEES CHARGEABLE FOR SERVING AND EXECUTING PROCESSES ISSUED BY ANY CRIMINAL COURT IN THE CASE OF OFFENCES OTHER THAN OFFENCES FOR WHICH POLICE OFFICERS MAY ARREST WITHOUT A WARRANT

		Rs.	nP.
(i)	For every summons to an accused or witness	0	50
	For every additional accused or witness residing in the same village if applied for at the same time	0	25
(ii)	For every warrant of arrest	1	00
(iii)	For every proclamation of absconding party or witness	1	00
(iv)	For every warrant of attachment	1	00
(v)	Notice (including notice to parties in revision petitions and other applications) order, injunction or warrant not otherwise provided for.—		
	(a) in the High Court	1	25
	(b) in the Sessions Court	1	00
	(c) in any other Criminal Court	0	75

Provisos

(i) If a process is to be served or executed within a radius of five miles from the court house half the above rates only shall be charged.

(ii) No fee shall be levied on any process issued upon the complaint of any public officer of the State or of the Union Government acting as such public officer.

(iii) The court may remit the process fee in whole or in part whenever the court is satisfied that the complainant or the accused has not sufficient means.

(iv) When a warrant remains un-executed for 15 days after its delivery to the officer entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the warant was issued for every 15 days or portion thereof until return is made; provided that the delay in executing the said warrant is not attributable to the officer executing the same.

(v) No fee for service of process should be levied in Criminal Revision Petitions in cognizable cases.

Note: A non-cognizable offence dealt with jointly with a cognizable offence in a single proceeding is a cognizable offence for the purpose of this proviso.

A copy of the above table of process fees shall be displayed in each court in English and in the local language or languages.

Process Service Establishment

1. The process Service Establishment in subordinate civil courts shall consist of a Nazir, amins and process servers.

2. Where the Nazarat serves two or more courts, the Senior Judge of the Superior Court shall exercise control and Nazarat shall be part of the establishment of that court.

3. Amins and process servers shall work under the supervision of the Nazir.

4. Application for issue of processes presented along with the plaint, memorandum of appeal, cross objection or application shall after the plaint, memorandum of appeal, cross objection or application has been admitted, be transmitted to the Nazir.

5. On receipt of the applications, the Nazir shall enter them in the prescribed register which will be kept by himself or under his superintendence and arrange for the distribution of processes and deliver them to the process servers, after the necessary entries have been made in the register. As far as possible all processes other than warrants of arrests, for persons residing in the same neighbourhood shall be issued to the same process server whether issued by the same or by different courts.

6. It shall be the duty of the Nazir to have the processes returned struck off in the register and to bring to the notice of the presiding Judge any unusual delay.

7. The presiding Judge of the court to which the Nazarat is attached will supervise the work of the process serving staff and periodically check the registers and diaries maintained to see whether their out-turn of work is sufficient and the percentage of effective service is reasonable.

8. When the work falls short and there is not sufficient work for the process serving staff, the presiding Judge of the court shall consider the possibility of the reduction of the staff and when such presiding Judge is not the District Judge the matter shall be reported to the District Judge.

9. The District Judge subject to the approval of the High Court shall determine the number of amins and process servers to be employed in each Nazarat due regard being had to the number of processes to be executed and the areas to be served and to any other special circumstance affecting the number of processes which one officer may fairly be expected to serve in a given time. In addition to the number of amins and process servers required for execution work, a sufficient number of amins to write processes and assist the Nazir, and of process servers for miscellaneous duties such as guard duty, local despatch, relief of peons and the like may be employed. The deputation of the process serving staff to other work as aforesaid shall be limited to the barest necessity.

10. The staff engaged on other work shall be told off in rotation from the whole number of peons.

11. The pay, travelling allowances and other allowances of the Process Service Establishment shall be in accordance with the scales prescribed by Government.

By Order.

T. M. KRISHNAN NAMBIAR,

Registrar.

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